IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.855 of 2007
SHREE RAI @ SHREE BHAGWAN RAI & ORS
Versus
STATE OF BIHAR & ANR
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3. 17.9.2008. This application has been filed against the order dated 29.6.2007 passed by Fast Track Court –V, Chapra in Sessions Trial No.197 of 2002 thereby the application filed under section 228 of the Cr.P.C. for sending the case before the C.J.M. for trial has been rejected.

Heard the learned counsel for both the parties.

It is submitted by the learned counsel for the petitioners that the injury report does not support the allegation under section 307 I.P.C., which is triable by the court of Sessions. The injuries are simple in nature and not on vital part of the body. It is further submitted that there is no injury of any fire arm though according to the allegation petitioners had fire arm also. On the other hand, the learned counsel for the opposite parties submitted that there is repeated blow of Chhura. There is also allegation of opening fire. It is further submitted that the doctor advised for X-ray in order to determine nature of the injury. The opinion has not yet been received.

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Considered the submission of the learned counsel for both the parties. Perused the impugned order as well as facts and circumstances of the case.

Having regard to the nature of the acquisition as well as the fact that there is repeated blow of Chhura on the person of victim, I am not inclined to interfere in the impugned order.

Accordingly, this application is hereby rejected.

(Ghanshyam Prasad)

N.H./

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